IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 5234 of 1999

Between:

A.Rami Reddy, S/o A.Raja Reddy,
R/o.Mandanapalli, Chittoor District.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by its Secretary,
Transport Roads & Buildings Department, Secretariat,
Hyderabad.
2 Regional Transport Authority, Chittoor, Rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction preferably one in the nature of a Writ of Mandamus, declaring the Resolution of the second respondent in Item No.5 Rc.No. 34143/A1/96, dt.29.12.1997 revising the existing compounding fee fixed under Rule 217 of A.P.M.V. Rules 1989, issued by the 1st respondent under Sec.95 and 96 of M.V. Act, 1988, in lieu of cancellation or suspension of permits under Sec.86 of M.V.Act, 1988 in respect of different types of irregularities committed within 24 months, as illegal, arbitrary, without jurisdiction and contrary to the provisions of M.V.Act, 1988 and Rules made thereunder.

Counsel for the Petitioner: MR. B.SIVARAMA KRISHNAIAH

Counsel for Respondents: GOVERNMENT PLEADER FOR TRANSPORT

The Court made the following:

ORDER:

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This writ petition is filed questioning the resolution in Item No.5, Rc.No.34143/A1/96, dated 29-12-1997, passed by the second respondent-Secretary, Regional Transport Authority, Chittoor, revising the rates of compounding fee fixed under Rule 217 of the Andhra Pradesh Motor Vehicles Rules, 1989 (for short, 'the Rules').

It is the submission of Sri B.Sivarama Krishnaiah, learned Counsel appearing for the petitioner, that the Regional Transport Authority is not competent to revise the existing compounding fee fixed under Rule 217 of the Rules and the same is held so in a judgment of this Court reported in **Jami Appala Swamy and another V. Regional Transport Authority, Srikakulam and another**.

In that view of the matter, following the judgment of this Court referred above, this writ petition is allowed. However, it is made clear that it is open for the competent authority to revise the compounding fee, if necessary, as per Rules.

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R.SUBHASH REDDY, J

23rd June, 2005.

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That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Bilal Nazki, the Acting Chief Justice on Thursday, this the Twenty third day of June, Two thousand and Five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Transport Roads & Buildings Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

2. The Secretary, Regional Transport Authority, Chittoor.

3. Two CCs to the Government Pleader for Transport,

High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.